

HAROLD J. MCELHINNY (CA SBN 66781)  
HMcElhinny@mofo.com  
MICHAEL J. AGOGLIA (CA SBN 154810)  
MAgoglia@mofo.com  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: 415.268.7000  
Facsimile: 415.268.7522

DAVID F. MCDOWELL (CA SBN 125806)  
DMcDowell@mofo.com  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, California 90017-3543  
Telephone: 213.892.5200  
Facsimile: 213.892.5454

Attorneys for Defendant  
TARGET CORPORATION

Jeff D. Friedman (173886)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
jefff@hbsslaw.com

Steve W. Berman, *pro hac vice*  
(application pending)  
Thomas E. Loeser (202724)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1918 Eighth Avenue, Suite 3300  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
steve@hbsslaw.com  
toml@hbsslaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRIAN AND MICHELE SMITH, husband and  
wife, ASHLEY BARLOW, JAMIE L.  
BATEMAN, JOHN BELSKI, NICHOLAS  
COOPER, ASHLEY DURRAH-MARKUPSON,  
MICHAEL CRAIG, STEPHEN LAGANO,  
LORNE MURPHY, TAMMI MENDELL,  
ELIZABETH PERDUE, MOLLY PHILLIPS,  
KETHRA RAMERT, AMBER RIPPY, SHARON  
SANDERS, STANLEY SOUNTHARAVONG,  
LEANNA WALTHER, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

TARGET CORPORATION, a Minnesota  
Corporation,

Defendants.

Case No. 3:14-cv-00577-SC

CLASS ACTION

**STIPULATION AND  
~~PROPOSED~~ ORDER TO STAY  
ACTION PENDING JPML  
DECISION**

**[N.D. CAL. CIVIL L.R. 7-12]**

Judge: Hon. Samuel Conti

Complaint Filed: February 6, 2014

Initial CMC: Not set

**STIPULATION TO STAY**

WHEREAS plaintiffs Brian and Michele Smith, Ashley Barlow, Jamie L. Bateman, John Belski, Nicholas Cooper, Ashley Durrah-Markupson, Michael Craig, Stephen Lagano, Lorne Murphy, Tammi Mendell, Elizabeth Perdue, Molly Phillips, Kethra Ramert, Amber Rippy, Sharon Sanders, Stanley Sountharavong, and Leanna Walther filed the complaint in the above-captioned action against Defendant Target Corporation (“Target”) on February 6, 2014 (“Complaint”);

WHEREAS Target has identified at least 80 actions asserting substantially similar allegations against Target pending in courts across the country;

WHEREAS there have been numerous petitions submitted to the Judicial Panel on Multidistrict Litigation (“JPML”) to consolidate these cases into a single multidistrict litigation (“MDL”);

WHEREAS the parties expect that this action, along with the other similar actions, will be consolidated into an MDL, and that the JPML will also decide where the cases will be transferred as an MDL;

WHEREAS this action has only just commenced and there has been no activity in the case;

WHEREAS this Court has the inherent power to grant a stay, especially in circumstances such as here, where doing so would promote judicial economy and avoid prejudice to the parties, *see, e.g., Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936); *McVicar v. Goodman Global Inc.*, No. SACV 13–1223–DOC (RNBx), 2013 WL 6212149, at \*2 (C.D. Cal., Nov. 25, 2013) (staying action pending JPML decision);

WHEREAS absent a stay, the Court and the parties would face case management obligations and deadlines and, in light of the likelihood that there will be an MDL consolidating these actions for the purpose of pretrial proceedings, a stay is necessary and prudent to avoid duplication of pretrial efforts by the parties, any waste of judicial resources, and the risk of conflicting rulings;

1 WHEREAS the parties have met and conferred and agree that this action should be stayed  
2 pending a decision by the JPML regarding the MDL Number 2522;

3 NOW, THEREFORE, the parties hereby stipulate and request that the Court enter an order  
4 that:

5 1) This action is otherwise STAYED pending the decision of the JPML in *In re Target*  
6 *Corp. Customer Data Security Breach Litig.*, MDL No. 2522;

7 2) All deadlines, including defendant's obligation to respond to the Complaint, are  
8 VACATED until further order of the Court;

9 3) The parties shall notify the Court of the JPML's decision within 10 days of the  
10 decision if the Court is not otherwise notified.

11 Dated: February 24, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

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13  
14 By: /s/ Thomas E. Loeser  
THOMAS E. LOESER (202724)

15 Attorneys for Plaintiffs  
16 BRIAN AND MICHELE SMITH, ASHLEY  
17 BARLOW, JAMIE L. BATEMAN, JOHN  
18 BELSKI, NICHOLAS COOPER, ASHLEY  
19 DURRAH-MARKUPSON, MICHAEL CRAIG,  
20 STEPHEN LAGANO, LORNE MURPHY,  
TAMMI MENDELL, ELIZABETH PERDUE,  
MOLLY PHILLIPS, KETHRA RAMERT,  
AMBER RIPPY, SHARON SANDERS,  
STANLEY SOUNTHARAVONG, and  
LEANNA WALTHER

21 Dated: February 24, 2014

MORRISON & FOERSTER LLP

22  
23 By: /s/ Michael J. Agoglia  
24 MICHAEL J. AGOGLIA

25 Attorneys for Defendant  
26 TARGET CORPORATION  
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**ATTESTATION OF FILER**

I, Michael J. Agoglia, hereby attest that pursuant to Civil Local Rule 5-1(i)(3), concurrence in the filing of this document has been obtained from each of the other signatories.

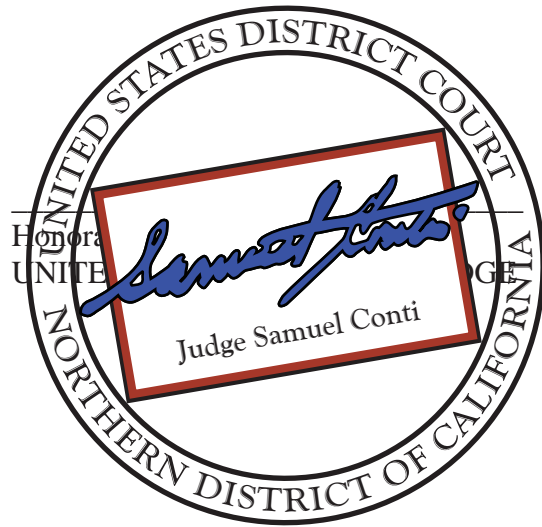
Dated: February 24, 2014

By: /s/ Michael J. Agoglia  
MICHAEL J. AGOLIA

**ORDER**

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: 02/25/2014



sf-3381877